

Remarks:

Claims 1-8 remain for consideration in this application with claim 1 being the sole independent claim. Claims 9-11 have been canceled in view of the restriction requirement that was contained in the Office Action Of June 18, 2004.

The Restriction Requirement defined several subgenera, G1-G6, which were then made a part of the restriction between claims 1-8 and 9-11. Applicants elect claims 1-8 for prosecution in this application. In selecting a subgenera as a part of this restriction, applicants provisionally elect G6, thereby making a provisional election of Group 1. This provisional election is based on applicants' present understanding of the subgenera and restriction requirement as defined by the examiner, an explanation of which is set forth below. If applicants' understanding is incorrect, applicants respectfully request clarification through a second written restriction requirement or a phone call to the undersigned.

To begin, G1 and G2 merely divide out the enumerated Class I and Class II binding orientations, which are disclosed in the application at page 17, lines 23-25. G3 appears to request confirmation that "p" (whether it is uppercase or lowercase) refers to proline. Applicants confirm that in these generic binding orientation motifs, uppercase and lowercase "p" refers to proline, the difference being that an uppercase letter (whether it is "P" or any other letter) refers to a critical contact residue within that binding orientation. Accordingly, G3 is merely a combination of G1 and G2. G4 should be discarded because "p" does not refer to any entity other than proline. G5 should also be discarded because applicants do not understand how this group arose. If the claims can be any peptide the claims permit, applicants are unable to understand why G1 and G2 would be

excluded. G6 merely combines groups G1 and G2, which thereby renders this group identical with applicants' understanding of G3. Finally, applicants note that claim 1, in its present form, is not limited to any specific sequence or sequence motif. If a claim generic to one or more of these identified subgenera is found allowable, applicants note that any subgenera falling under the scope of such a claim would be allowable.

Turning now to the enumerated groups, the examiner opined that the introduction of either subgenera G1 or G2 would constitute new matter. In support of both of these generic motifs, applicants refer to the Summary of the Invention, page 3 line 26 to page 4, line 2 and the example beginning on page 6 for support. The Summary of the Invention recites:

The present invention is predicated upon the discovery that specific peptides (e.g., PR-39) are capable of 1) inhibiting O_2^- synthesis by leukocyte enzymes (e.g., NADPH oxidase), and 2) attracting leukocytes (e.g., neutrophils). These peptides can be used as novel medicaments that fight infection by attracting leukocytes to a wound site, yet restrict tissue damage at the wound site caused by excessive oxygen radicals produced by these leukocytes. Preferably, these peptides have a sequence included in PR-39 (e.g., Sequence ID Nos. 1 and 2 for peptides capable of inhibiting O_2^- production, and Sequences ID Nos. 1, 2, 5, 6, and 7 for peptides capable of attracting leukocytes).

Thus, the ability of disclosed peptides to attract leukocytes is specifically disclosed as relating to Sequence ID Nos. 1, 2, 5, 6, and 7. The example discloses that Sequence ID Nos. 1-7 respectively refer to PR-39, PR-26, PR-23, PR-19, PR-16, PR-15, and PR-14 (page 6, lines 10-12). The Results and discussion section of this example then explains that PR-16 (Sequence Id No. 5) has two sequences therein which conform to the Class I and Class II binding orientations (see page 17, lines 22-25). Furthermore, as is clearly shown in Fig. 1, PR-16 (Sequence ID No. 5) is itself a

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subsequence of PR-39 (Sequence ID No. 1), PR-26 (Sequence ID No. 2), and PR-23 (Sequence ID No. 3). Accordingly, these motifs are clearly not new matter in relating to the method of attracting leukocyte claims.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By



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